



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2015

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Manchester Realty Company, Inc.,
Federal-Mogul Friction Products and
Federal-Mogul Corporation
c/o Ferodo America, Inc.
David A. Bozynski, President
1665 Quarton
Birmingham, Michigan 48009

Re: New Castle Asbestos Site
1112 South 25th Street, New Castle, Henry County, Indiana
Site Spill Identification Number: C5E5
General Notice of Potential Liability and Request for Information

Dear Mr. Bozynski:

On May 7-8, 2013, the U.S. Environmental Protection Agency conducted an assessment of the New Castle Asbestos Site ("Site") and documented the presence of asbestos-containing materials and regulated asbestos-containing materials, both friable and non-friable, commingling with debris piles. The EPA documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Site, and is planning to spend public funds to control and investigate the release.

This action will be taken by the EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 unless the EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where the EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs. Ferodo America, Inc. ("FA" or "you") is receiving this letter on behalf of Manchester Realty Company, Inc. ("MRC"), Federal-Mogul Friction Products ("FMFRP") and Federal-Mogul Corporation ("FMC") as their successor.

Information available to EPA indicates these entities are former owners and/or operators of the Site.

The EPA is currently planning to conduct the following actions at the Site.

1. Develop and implement a Site-Specific Health and Safety Plan, with a Perimeter Air Sampling Plan, including measures to control asbestos-containing material (ACM) during the removal action and posting signs warning of potential exposure to hazardous substances, including but not limited to ACM;
2. Develop and implement a Site Emergency Contingency Plan;
3. Develop and implement a Site Work Plan, including a Site Security Plan;
4. Load, transport and dispose of approximately 3,500 cubic yards of ACM located in the debris piles at an EPA-approved disposal facility in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440);
5. Decontaminate concrete pads using vacuum equipment and low-pressure washing, as necessary;
6. Decontaminate heavy equipment as necessary and properly dispose of decontamination water; and
7. Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determines may pose an imminent and substantial endangerment to public health or the environment.

By this letter, the EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse the EPA for costs incurred to date and to voluntarily perform or finance the response activities that the EPA has determined or will determine are required at the Site. The EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse the EPA for its costs. If a consent order cannot be promptly concluded, the EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of the EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order.

Because of the conditions described above, the EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, the EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify the EPA in writing within ten (10) calendar days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse the EPA for its costs. If the EPA does not receive a timely response, the EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action or involved in a lawsuit regarding the Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, the EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the EPA has the authority to require any person who has or may have information relevant to any of the following to furnish the EPA with such information: (a) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (b) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (c) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to respond to the enclosed Questions (Enclosure C) within fourteen (14) calendar days of receipt of this letter. Instructions and Definitions (Enclosures A and B, respectively) as well as a Declaration (Enclosure D) also have been enclosed to assist you with completing your response.

While the EPA seeks your cooperation in this investigation, compliance with this request for information is required by law. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by the EPA in administrative, civil or criminal proceedings.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Your responses to the notice of potential liability and request for information are due within ten (10) and fourteen (14) calendar days, respectively, of receipt of this letter and should be sent to:

Cheryl McIntyre, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you need further information regarding this letter, you may contact Cheryl McIntyre, Enforcement Services Section 1 at (312) 886-1964, (mcintyre.cheryl@epa.gov). Direct any legal questions to Jose DeLeon, of the Office of Regional Counsel at (312) 353-7456, (deleon.jose@epa.gov).

Due to the nature of the problem at the Site and the attendant legal ramifications, the EPA strongly encourages you to submit written responses within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Borries". The signature is fluid and cursive, with the first name "Samuel" being more prominent than the last name "Borries".

Samuel Borries, Chief
Emergency Response Branch 2

Enclosures

New Castle Asbestos Site

List of Potentially Responsible Parties Sent General Notice and Request for Information Letter

1. Firestone Industrial Products Company, Inc. and
The Firestone Tire & Rubber Company
c/o Bridgestone Americas Tire Operations, LLC
Hideo Hara, Chief Technology Officer and Manager
535 Marriott Drive
Nashville, Tennessee 37214

2. Double Dapple Development, LLC
c/o Joan Czukor, Former Manager
860 East Coco Plum Circle
Plantation, Florida 33324

3. Steven M. Morehead

bcc: Jose DeLeon, ORC (C-14J)
Anita L. Boseman, OSC (SE-5J)
Cheryl McIntyre, ESS 1 (SE-5J)
John Maritote, ERS 4 (SE-5J)
Richard Hackley, PAAS (MF-10J)
Records Center (SRC-7J)

Mr. Lindy Nelson
U.S. Department of the Interior
Office of Environmental Policy and Compliance
U.S. Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

Enclosure A
Information Request
New Castle Asbestos Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this request for information. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this request for information and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this request for information and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information ("CBI") must be segregated out and submitted in a separate folder or on a separate compact disc ("CD".) These documents must be clearly marked as "Confidential Business Information".

If providing your response electronically, it must be submitted on a CD in Portable Document Format ("PDF") and comply with the following requirements:

(a) CBI and personal privacy information ("PII") should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled.

(b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.

(c) Electronic PDF files must be text-searchable.

(d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this request for information.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret”, “proprietary” or “company confidential.” Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by the EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by the EPA, it may be made available to the public by the EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. The EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this request for information may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. The EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this request for information. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within twenty (20) business days of receiving this request for information.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information.” You should note, however, that unless prohibited by law, the EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this request for information, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this request for information is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the

privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document that are responsive to the request for information must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
New Castle Asbestos Site

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this request for information:

1. The term "you" or "Respondent" means the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The term "document" and "documents" means any method of recording, storing or transmitting information. "Document" includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance

or the subject matter. Alternatively, Respondent may provide a complete copy of the document.

6. The term “material” or “materials” means any and all raw materials, commercial products, wastes, chemicals, substances or matter of any kind.

7. The “period being investigated” and “the relevant time period” means from the time you first owned or operated the Site to the present.

8. The term “property” means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.

9. The “Site” means any or all property or area described as parcel number 030-82415-00 or the address commonly known as 1112 South 25th Street, New Castle, Henry County, Indiana.

10. The term “waste” or “wastes” includes, but is not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.

11. The term “business activities” means all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

Enclosure C
Information Request
New Castle Asbestos Site

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these Requests.
2. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Request or who may be able to provide additional responsive documents, identify such persons.
3. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
4. If any of the documents solicited in this request for information are no longer available, please indicate the reason why they are no longer available (i.e. burned, achieved, trashed) and provide a copy of your document retention policy.
5. Is FA the successor to all liabilities of MRC, FMFP and FMC including those under CERCLA?
6. Describe in detail FA's past and current relationship with MRC, FMFP and FMC and the Site located at 1112 South 25th Street, New Castle, Indiana. Respond, for instance, to each of the following:
 - (a) State the date on which FA acquired ownership or an interest in MRC, FMFP and FMC and the Site. State the prior owners, if any, of MRC and the Site. Submit a copy of all documents relating to FA's purchase of MRC, FMFP and FMC and the Site.
 - (b) Did FA sell or otherwise divest itself of any stock, assets or other interest in MRC, FMFP and FMC or any other company which operated a manufacturing facility at 1112 South 25th Street, New Castle, Indiana?
 - (c) If the answer to (b) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
 - (d) Did FA retain the liabilities of MRC, FMFP and FMC for events prior to the sale?
7. Describe the relationship among FA, the Site and the following:

(a) Federal-Mogul Friction Products

(b) Federal Mogul Corporation

(c) Ferodo Holdings, Inc.

(d) Federal-Mogul Products, Inc.

(e) Nuturn Corporation

(f) T & N Industries, Inc.

(g) A.E. Engine Parts, Inc.

(h) Engine Acquisition, Inc.

(i) Manchester Realty Company, Inc.

8. If Respondent is a corporation, provide copies of the Articles of Incorporation and By-Laws.

9. If Respondent is a partnerships, provide copies of the Partnership Agreement.

10. If Respondents is a trust, provide copies of all relevant agreements and documents to support this claim.

11. State the dates during which Respondent owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement including but not limited to purchase and sales agreements, deeds, leases, etc.

12. Identify any persons who concurrently with Respondent exercised actual control or who held significant authority to control activities at the Site including but not limited to:

(a) Any contractor, subcontractor or licensor with any presence or activity on the Site (e.g. service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities.)

(b) Any person subleasing land, equipment or space at the Site.

(c) Utilities, pipelines, railroads and any other person with activities and/or easements at the Site.

(d) Major financiers and lenders.

(e) Any person who exercised actual control over any activities or operations at the Site.

- (f) Any person who held significant authority to control any activities or operations at the Site.
- (g) Any person who had a significant presence or who conducted significant activities at the Site.
- (h) Government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activities at the Site.

13. Identify the prior owners of the Site. For each prior owner, further identify:

- (a) The dates of ownership.
- (b) All evidence showing that they controlled access to the Site.
- (c) All evidence that a hazardous substance, pollutant or, was released or threatened to be released at the Site during the period that they owned the Site.

14. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

- (a) The dates of operation.
- (b) The nature of prior operations at the Site.
- (c) All evidence that they controlled access to the Site.
- (d) All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

15. Describe the nature of Respondent's activities or business at the Site.

16. Did any of the finished products or raw materials used by the Respondent in manufacturing or production contain asbestos?

17. Was any inventory, products or raw materials left at the Site when the Respondent vacated the Site?

18. Provide information about the Site, including but not limited to the following:

- (a) Location and description surface structures (i.e. buildings, tanks, etc.)
- (b) Any and all additions, demolitions or changes of any kind on, under or about the Site, to its physical structures or to the property itself (e.g. excavation work);
- (c) All maps and drawings of the Site in your possession.

19. Provide all reports, information or data related to soil, water (i.e. ground and surface) or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

20. Provide copies of all income tax returns Respondent sent to the Federal Internal Revenue Service in the last five years.

21. Identify all property, pollution and/or casualty liability insurance policies held by Respondent. State the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

22. Identify and provide copies of all previous settlements by Respondent (or Respondent's predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Question 21 above, including the date of the settlement; the scope of release provided under such settlement; and the amount of money paid by the insurer pursuant to such settlement.

Enclosure D
Information Request
New Castle Asbestos Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondents and that the foregoing is complete, true, and correct.

Executed on _____, 2015.

Signature

Type or Print Name

Title